

— On Wed, 31/3/10, Tom Lomax <tlomax@dgllaw.co.uk> wrote:

From: Tom Lomax <tlomax@dgllaw.co.uk>
 Subject: RE: Vi it to DF tomorrow
 To: 'Dale Fann' <dale.fann@btinternet.com>
 Cc: 'Malcolm Tully' <malcolmtully@blueyonder.co.uk>
 Date: Wednesday, 31 March, 2010, 15:18

See attached forms, which were meant to be attached to previous e-mail.

Thanks

Tom

For and on behalf of:

Davies - Gore - Lomax LLP
 solicitors

Members: Patricia Gore, Keith Lomax
 63 Great George Street
 Leeds, LS1 3BB
 Telephone: 0113 242 2797
 Fax: 0113 245 1117
 DX 26437 Leeds Park Square
 E-mail: t.lomax@dgllaw.co.uk

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From: Tom Lomax
 Sent: 31 March 2010 15:14
 To: 'Dale Fann'
 Cc: Malcolm Tully
 Subject: RE: Visit to DF tomorrow
 Importance: High

Hi Grattan

The following are some issues that you may be able to address. I've tried to put these in a vague order of priority, with most pressing first as you may not be able to process these in one visit.

1. Dolly (Kathleen Slattery at 14 Camilla Drive)

Would you be able to get a signed App1 and Means 2 forms (June 2009 versions)

2. B Quilligan of 2 Camilla Drive

BDC have written asking her to call them to arrange a brief interview to discuss child benefit issues. (call S Robinson on 01268 294206)

3. M Gammell of 24 Beauty Drive

BDC have written asking her to call them to arrange a brief interview to discuss child benefit issues. (call S Robinson on 01268 294206)

4. Ellen Sheridan of 25 Beauty Drive

BDC (S Robinson) have written for:

1. Copy of Nora's birth certificate or passport
2. proof of your or John's retirement work pension
3. A copy of the DLA (proof I assume)
4. Proof of Nora's income and her NI number
5. At the interview Ellen provided S Robinson with John Sheridan's birth certificate. Ms Robinson wants Ellen to confirm that this is his birth certificate and confirm the date of birth (of John presumably)

5. Kathleen O'Brien of 10 Swallows Court

BDC have written saying that Kathleen has missed two appointments and that she will need to call 01268 294206 to arrange another appointment to pursue her homelessness application.

6. Nora O'Brien of 22 Beauty Drive

Ms Robinson has written saying that at her 20/1/10 interview she was asked to supply certain documents which are still outstanding. The wish list is:

1. Proof of income
2. Does she receive DLA? If so, could she specify which component i.e. care or mobility and provide proof of entitlement
3. Could she sign an authorization form (see scanned copy attached) for her and Jeremy to allow the council to contact necessary organizations to verify her circumstances?
4. Could she confirm the dates and the full addresses of properties lived at prior to moving to 22 Beauty Drive?
5. Also, BDC have contacted South Green Health Centre to make enquiries, and they say Nora and Jeremy are not known to them. Could she assist BDC by sending them the name and address of their doctors so that she can make enquiries?

4. Nora Gore of 13 Williams Lodge

BDC (S Robinson) have written requesting:

- Copy of Nora and William's birth certificate or passport
- Proof of pregnancy for Nora (whatever that is!)
- Could she and William sign two authorization forms (see attachment) as well as a medical questionnaire each (see attached)
- Could they provide confirmation of William's income
- Confirmation of Nora's income

5. Mary Culligan of Royal Oak

BDC (S Robinson) have written for:

- Copy of Mary's birth certificate or passport
- Copy of her children's birth certificates or passports
- Proof of income for her and her children i.e. recent bank statement

6. Mary Sheridan

Has received an offer of a 4-bed house at 3 Stagden Cross, Vange, Basildon. She has been asked to arrange with Pat Crane to view the property (01268) by 5/4/10. If she wants me to request a review, I will need to do so by 15 April, so if she can be thinking about whether she wants me to refuse or accept the offer, and if she wants me to review, I will be in touch shortly to discuss her options with her.

I think that's everything. It may be that you and/or Malcolm have made progress with these enquiries already, so I am cc'ing to Malcolm just in case.

Kind regards

Tom

For and on behalf of:

Davies • Gore • Lomax LLP

solicitors

Members: Patricia Gore, Keith Lomax

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From: Dale Farm [mailto:dale.farm@btinternet.com]

Sent: 31 March 2010 11:04

To: Tom Lomax

Subject: RE: Visit to DF tomorrow

Hi Tom,

Yes, I am going to Dale Farm on Tuesday (tomorrow 1 April).

Anything you want me to do? I have legal aid forms printed out.

Grattan

--- On Wed, 31/3/10, Tom Lomax <tlomax@dglaw.co.uk> wrote:

From: Tom Lomax <tlomax@dglaw.co.uk>
Subject: RE: BDC Response to correspondence
To: "Dale Farm" <dale.farm@btinternet.com>
Cc: "Keith Lomax" <K.Lomax@dglaw.co.uk>
Date: Wednesday, 31 March, 2010, 10:01

Hi Grattan

Interesting that they say they "the Council remains committed to finding alternative sites so as to avoid eviction". I have not heard of any concrete steps by the Council to put this commitment into effect?

Although she states that she believes the undertaking BDC made to the Court of Appeal to be unenforceable, it would in public law terms (i.e. judicial review etc.) be a very persuasive factor e.g. if a breach of the undertaking by BDC was relevant to the grounds of any future JR. Undertakings to the Court of Appeal should not be taken lightly.

Are you still going to Dale Farm tomorrow?

Tom

For and on behalf of:

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Members: Patricia Gore, Keith Lomax

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From: Dale Farm [mailto:dale.farm@btinternet.com]

Sent: 31 March 2010 07:36

Subject: RE: Visit to DF tomorrow

To: Keith Lomax, Tom Lomax
 Subject: BDC Response to correspondence

Dear Keith and Tom,

I'm forwarding you quite a long email from Lorraine Browne, BDC solicitor, in response to a number of letters.

I can't find much in her answers which are helpful except the following:

1) It is clear that DF residents refused accommodation by BDC under homeless legislation, could apply to the Essex County Council under the 1948 National Assistance Act (You have advised against this for the time being but we could mount a number of such applications later if necessary).

2) She concedes that no "fact packs" have been prepared and will only be available if an eviction is to take place.

3) The issue of safety rules being complied with by Constant (which will be brought up at the meeting with the Essex Police Authority on 29 April) are still being investigated by the BDC Audit Team.

Maybe you can find other useful passages.

I note that the BDC v Communities case takes place on 25 May. Communities reminds us that BNDC is required to provide land for 62 pitches by 2011 and a further 52 pitches between 2011 and 2021.

After Easter a Task Force chaired by Richard Bennett will meet in Cambridge re-finding alternate site(s) for Dale Farm families, and inviting them to say whether they want council-run sites or private ones. But what progress, if any, has been made is unclear.

Conservative election literature says "the game is up for Dale Farm". Constant have been engaged and eviction will take place.

Grattan

--- On Tue, 30/3/10, Lorraine.Browne@basildon.gov.uk <Lorraine.Browne@basildon.gov.uk> wrote:

From: Lorraine.Browne@basildon.gov.uk <Lorraine.Browne@basildon.gov.uk>
 Subject: Response to your correspondence
 To: dale.farm@btinternet.com
 Date: Tuesday, 30 March, 2010, 17:56

I am in receipt of various correspondence which has either been sent to me or copied to me. I am now in a position to respond to these as follows:-

1. Email dated 6/2/10 concerning the court undertaking

As you can see from the length and content of this document issues will arise over a long period of time and at different distinct stages certain actions will be necessary. As the Council remains committed to finding alternative sites so as to avoid eviction it is not clear whether the requirements of the undertaking will necessarily take place. For example, there is reference to the provision of "fact packs" to the media. It was always our intention to only provide these if an eviction took place and therefore as we still hope this will not be necessary these have not yet been prepared and circulated. It was accepted by the Court that this was in effect a statement of intention by the Council and not an enforceable undertaking in the usual way. Ultimately, this is a matter for the court although the Council has every intention to honour both the spirit and specific content if the need arises. The Council does not intend corresponding with third parties in detail as to whether specific parts of the undertaking apply or have been complied with. I have no further comments to make in this respect.

2. Email dated 19/2/10 concerning the Whistle-blowing complaint against Constant and Co

I am aware that this email was sent following correspondence from the Council's Audit Team giving you a further opportunity to provide additional evidence in relation to the Whistle-blowing complaint you have submitted. Your email does not add anything further by way of evidence in relation to those issues raised in your complaint and accordingly the Audit Team will now proceed to consider this complaint as previously indicated.

The Council has a written policy concerning the Whistle-blowing process and this sets out how such issues are dealt with and the purpose of the policy. I do not intend to set out in detail what the policy says as this document is publicly available and plainly you are aware of it. Contrary to your letter some of the allegations which you make concerning wrong-doing are subject to investigation. These can be identified by reference to the letter from the Council and your original complaint. However, the Council's view is that there are a number of issues which you have raised which do not fall within this policy and hence those issues will not be considered further under that procedure. The specific paragraphs of your complaint

have already been highlighted and the reasons why they do not fall within this process has been explained. I do not feel there is anything further which I can helpfully add.

At the heart of your correspondence is your disapproval of the Council's decisions concerning possible evictions at Dale Farm. Whilst the Council acknowledges you take a different view to its members, the Council has proper decision making processes and is not obliged to revisit decisions simply because you disagree strongly with them. Similarly procedures like the Whistle-blowing policy have a specific remit and are to be only to be used where this is appropriate.

3. Email dated 25/2/10 concerning the National Assistance Act

I note that you refer to a number of homelessness cases in your letter. The Council will only correspond with homeless applicants or their representative in relation to a specific application. However, as no specific details have been provided I assume you wish to raise this as a general issue.

The provisions under the National Assistance Act 1948 to which you refer relate to the provision of residential accommodation by social services authorities. In this area these duties are undertaken by Essex County Council. Requests for Essex County Council to consider providing accommodation under these provisions are usually made to them directly and it would be necessary for them to consider the persons individual needs in some detail.

4. Letter to Constant and Co dated 17 March 2010

This letter has been copied to me by Constant and Co. I write to advise you that Constant and Co are agents for this authority in relation to the possible eviction and not a public body within the meaning of the Freedom of Information Act. A similar request has already been sent to the Council and a response is being prepared.

5. Letter dated 25 March 2010

I acknowledge receipt of this letter. This encloses a copy of a letter dated 20 July 2009. I have been unable to locate any record of this letter being received by the Council which would explain why no response has been received. I have already dealt with issues concerning the undertaking above and have nothing further to add in respect of this letter.

Yours faithfully,

Lorraine Browne
Solicitor to the Council
Legal Services

Direct Line 01268-294461

Fax: 01268 294451

email: lorraine.browne@basildon.gov.uk

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